



#6
Bennell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NISHIUMI et al. Atty. Ref.: 723-1245; Confirmation No. 7644

Appl. No. 10/042,175 TC/A.U. 2672

Filed: January 11, 2002 Examiner: C. Harrison

For: THREE-DIMENSIONAL IMAGE PROCESSING APPARATUS

* * * * *

April 13, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APR 16 2004
Technology Center 2600

Sir:

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

A notice of Abandonment was issued in this case on March 24, 2004, based on the assertion that a response had not been filed. In response, Applicant respectfully points out that a response was timely filed. As a result, withdrawal of the holding of abandonment and continued examination of this case are respectfully requested.

In order to prove that the response was timely filed, enclosed is a copy of the Amendment, Terminal Disclaimer, Correspondence Address Indication Form and the date-stamped postcard dated June 26, 2003. Thus, it is clear that the holding of

NISHIUMI et al.
Appl. No. 10/042,175
April 13, 2004

abandonment is improper and the case has not, in fact, been abandoned. Thus, the Examiner is respectfully requested to withdraw the Notice of Abandonment.

Should the Examiner have any questions regarding this matter, she is invited to call the undersigned attorney. Thank you for your assistance with this matter.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Joseph S. Presta
Reg. No. 35,329

JSP:mg
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

In re Patent Application of

Atty Dkt. 723-1245

C# M#

NISHIUMI et al.

Group Art Unit: 2672

Serial No. 10/042,175

Examiner: C. Harrison

Filed: January 11, 2002

Date: June 26, 2003

Title: THREE-DIMENSIONAL IMAGE PROCESSING APPARATUS



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.

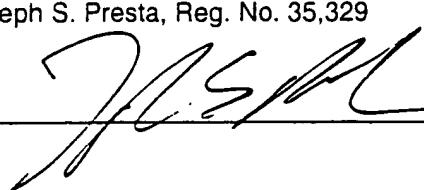
Fees are attached as calculated below:

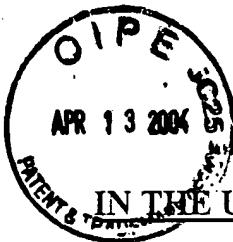
Total effective claims after amendment	3	minus highest number			
previously paid for	20	(at least 20) =	0	x \$ 18.00	\$ 0.00
Independent claims after amendment	1	minus highest number			
previously paid for	3	(at least 3) =	0	x \$ 84.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)					\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)					\$ 0.00
Terminal disclaimer enclosed, add \$ 110.00					\$ 110.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)					\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed					
<input type="checkbox"/> Submission attached					
					Subtotal \$ 110.00
If "small entity," then enter half (1/2) of subtotal and subtract					-\$ 0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith					
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)					\$ 0.00
Assignment Recording Fee (\$40.00)					\$ 0.00
Other:					0.00
					TOTAL FEE ENCLOSED \$ 110.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Joseph S. Presta, Reg. No. 35,329

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

R. Ward
6/28/04
#9 Terminal
Disclaimer

In re Patent Application of

NISHIUMI et al.

Atty. Ref.: 723-1245

Serial No. 10/042,175

Group: 2672

Filed: January 11, 2002

Examiner: C. Harrison

For: THREE-DIMENSIONAL IMAGE PROCESSING APPARATUS

* * * * *

June 26, 2003

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Nintendo Co., Ltd., the owner of the entire interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156, as presently shortened by any terminal disclaimer, of prior commonly owned Patent No. 6,497,618. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 of the prior patent, as presently

shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 FR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

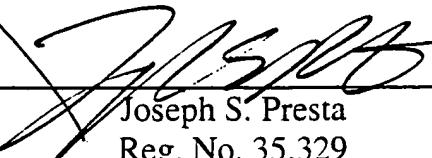
The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140.**

The undersigned is an attorney of record.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


Joseph S. Presta
Reg. No. 35,329

JSP:mg

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PTO/SB/121 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

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Customer Number: **27562**

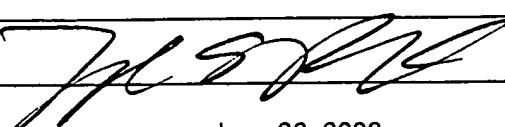
Place Customer
Number Bar
Label Here →

OR *Type Customer Number here*

Request for Customer Number (PTO/SB/125) submitted herewith.

in the following listed application(s) or patent(s):

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
	10/042,175		January 11, 2002

		(check one)
Typed or Printed Name	Joseph S. Presta	<input type="checkbox"/> Applicant or Patentee
Signature		<input type="checkbox"/> Assignee of record of the entire interest. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)
Date	June 26, 2003	<input checked="" type="checkbox"/> Attorney or Agent of record
Address of signer:	1100 North Glebe Road, 8 th Floor Arlington, VA 22202	35,329 (Reg. No.)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

*Total of **1** forms are submitted.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Assistant Commissioner of Patents, Box CN, Washington, DC 20231.



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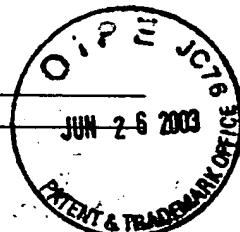
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Serial No.: 10/042,175
Applicant: NISHIUMI et al.
Title: THREE-DIMENSIONAL IMAGE
PROCESSING APPARATUS

Atty: JSP
Date: 6-26-03
Client: 723
Ref: 1245

Amendment
 Pages Specification
 Claims
 Sheets Drawings: Formal _____
 Informal _____
 Declaration (_____ Pages)
 Assignment
 Priority Document
 Base Issue Fee Transmittal
110.- Fee (Check)



Other: Terminal Disclaimer, Correspondence Address
Indication Form & Cover Sheet